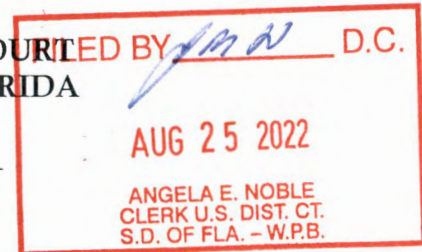


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-MJ-8332-BER



IN RE SEALED SEARCH WARRANT

FILED UNDER SEAL

MOTION TO SEAL SUPPLEMENTAL FILING
AND REDACTED WARRANT AFFIDAVIT

The United States of America moves the Court to place under seal three documents: (1) the United States' Sealed, *Ex Parte* Memorandum of Law Regarding Proposed Redactions; (2) Exhibit A to the Memorandum of Law, which consists of the government's proposed redactions to the search warrant affidavit signed and approved by the Court on August 5, 2022; and (3) Exhibit B to the Memorandum of Law, a chart identifying the government's proposed redactions as belonging to different categories of protected information. The government files this material in response to the Court's order issued *ore tenus* at the August 18, 2022 hearing, and reiterated in the Court's August 22, 2022 order (DE80). In support of the Motion, the government states:

1. Courts have inherent power to control access to papers filed with the courts. *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598 (1978). Courts have traditionally been "highly deferential to the government's determination that a given investigation requires secrecy and that warrant materials be kept under seal." *Times Mirror Co. v. United States*, 873 F.2d 1210 (9th Cir. 1989). Therefore, courts have routinely granted government requests to seal warrant materials where there is a need for secrecy. *See Washington Post v. Robinson*, 935 F.2d 282, 289 (D.C. Cir. 1991).

2. The Court previously granted the government's motion to seal the search warrant signed on August 5, 2022, and materials associated with that warrant (DE1). The documents sought to be sealed in this Motion are filed in response to the Court's order for the government to submit proposed redactions to the warrant affidavit and its explanations for those proposed redactions (DE80:13). The Memorandum of Law explains why the warrant affidavit should remain under seal and analyzes the non-public information contained in the warrant, which includes information about the identity of certain witnesses, the sources and methods used by the government in its investigation, and grand jury material protected by Rule 6(e). The accompanying proposed redactions and chart also contain information falling in those categories. The proposed redacted affidavit, of course, contains the entire contents of the presently sealed affidavit, with proposed redactions marked with red boxes that do not obscure the contents that the government argues should be kept under seal. Because all three documents reveal or discuss in extensive detail the contents of the warrant affidavit, the government respectfully requests that the Court seal these filings until it decides whether to unseal the warrant affidavit (or what portions to unseal).

CONCLUSION

WHEREFORE, for these reasons, the United States of America respectfully requests that the Court issue an Order sealing the Government's *Ex Parte* Memorandum of Law Regarding Proposed Redactions and the two Exhibits attached to that Memorandum.

Dated: August 25, 2022

Respectfully submitted,



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